

5/15/22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Michael STEWART

## CRIMINAL COMPLAINT

Case Number: C-22-584M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 14, 2022 in Kenedy County, in the Southern District of Texas, defendant, **Michael STEWART**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Joe Gonzalez

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

  
Signature of Complainant  
**Joe Gonzalez**  
Printed Name of Complainant

May 15, 2022

Date

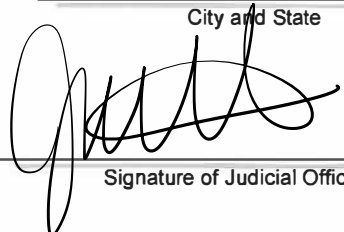
at

Corpus Christi, Texas

City and State

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

  
Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### **FACTS/DETAILS:**

On May 14, 2022, at approximately 10:20 a.m., a white GMC Terrain drove into the primary inspection lane of the United States Border Patrol Checkpoint near Falfurrias, Texas, with one visible occupant. The driver, later identified as Michael STEWART, claimed to be a United States citizen traveling to the beach in Riviera, Texas. STEWART stated he was coming from Harlingen and was supposed to meet his family at the Riviera beach. The agent walked to the back of the vehicle and noticed the floorboard of the rear hatch had a bulge as if something was underneath. There were several duffle bags neatly placed in a way that made it difficult to notice the unusual placement of the floorboard. As the agent walked up to the driver side window, STEWART began to slowly drive off. The agent yelled at STEWART to stop and wait, which he did. STEWART hesitated and insisted he had to go but then gave consent to a search of the hatch area. Once the hatch was opened, the agent picked up the floorboard flap and discovered two subjects covered with a black sheet. STEWART was removed from the vehicle and escorted inside the checkpoint. While walking inside, STEWART began to make claims that he had to do it because he was held at gun point. STEWART was informed that he did not have to say anything, and he could speak with agents inside. STEWART continued to apologize and promised it would never happen again. The vehicle was parked in the secondary area of inspection, and it was discovered the two subjects are both illegally present in the U.S. with no legal status allowing them to enter or remain in the U.S. legally. All subjects were placed under arrest and escorted inside the checkpoint.

### **NOTE:**

Michael STEWART was repeatedly advised to remain silent by multiple Agents as he continued to blurt out comments, speaking over everyone. STEWART stated if he was not arrested, he would not do this again and we would not have trouble with him. STEWART promised he would not do this in this city anymore if he was released without being charged. STEWART stated he could not get locked up again and we would not hear or see him in these areas again.

### **MIRANDA RIGHTS WARNING:**

All subjects were read their rights in their preferred language and signed accordingly that they understood their rights.

### **Defendant: Michael STEWART**

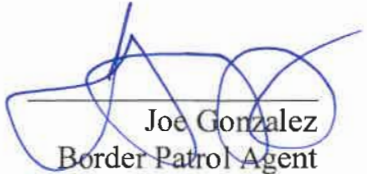
Michael STEWART claimed someone who he does not know and had never met before, rented him a vehicle he has been driving for approximately three weeks. STEWART claimed he was asked to drive down to the valley and pick up a female. STEWART claimed he was going to drop her off in Houston. When questioned if he was going to take her to Riviera beach with him, STEWART would avoid answering.

**Material Witness: Edmundo LIRA-Ortega**

Edmundo LIRA-Ortega stated he and his cousin illegally entered the United States approximately ten days ago, they were picked up, and then taken to a house. LIRA claimed that early this morning (May 14, 2022), he was advised he and his cousin would be leaving. LIRA claimed his cousin was taken out of the house and into the rear hatch of the vehicle first. When LIRA walked out, the white vehicle was parked outside with the rear hatch open, but LIRA claimed he did not see anyone in the driver seat. LIRA claimed he was instructed to get inside the rear hatch area where his cousin was already laying in position. LIRA was then given a black sheet to cover his cousin and himself. After the covers were placed over them, the hatch was closed, the vehicle was started, and then drove off. LIRA claimed the only time the vehicle stopped after they were placed inside was when the driver was pulled over by a police officer. (A ticket was handed to agents by Michael STEWART on primary which stated he was pulled over by police and cited on May 14, 2022, at approximately 10:07 a.m., for speeding.) LIRA claimed after being pulled over, they did not stop until they were arrested at the checkpoint.

**DISPOSITION:**

The facts of this case were presented to the Assistant United States Attorney Office who accepted Michael STEWART for prosecution of 8 USC 1324, Alien Smuggling. Edmundo LIRA-Ortega will be held as a Material Witness.

  
Joe Gonzalez  
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature  
attested telephonically per Fed.R.Crim.P.4.1, and probable  
cause found on this day May 15, 2022

  
Julie K. Hampton  
United States Magistrate Judge